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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,159	06/08/2001	David M. Baggett	09765-011002	1014

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/877,159

Applicant(s)

BAGGETT, DAVID M.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005 and 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 and 52-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 and 52-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on April 1, 2005 and July 5, 2005, wherein:

Claims 1-46 and 52-55 are currently pending;

Claims 47-51 have been cancelled;

Claims 1, 8, 14, 22, 35, 43 and 52 have been amended.

#### ***Response to Amendment***

2. The applicant has amended the claim language. The claims objection has hereby been ***withdrawn***, the new matter objection is ***withdrawn*** and the rejection under 35 USC 101 is ***withdrawn***.

#### ***Requirement for Information under 37 CFC 1.105***

3. The Examiner makes note of the applicant's response to the request for information wherein applicant states that the applicant is unaware of any references from ATPCO earlier than 1994 or between 1994 and 2001.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-46 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (US 2002/0178034) (hereinafter referred to as

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Gardner) in view of applicant's remarks on page 1 of the specification wherein the applicant states that the fare construction process solves the problem by providing a mechanism to extend a published fare with add-ons, also called arbitraries, in order to derive prices to minor cities and ATPCO Construction Manual of date May 22, 1995 (hereinafter referred to as ATPCO).

Referring to Claims 1 and 22:

Gardner discloses a method and medium for producing a constructed fare that include an add-on added to a published fare, said method executed in a computer system having memory and a persistent storage, the method comprising:

per-processing by:

determining interior (minor) cities that appear with gateway (major, HUB) cities in fares for an airline, the fares being published amounts and an order set of two cities that extend published fares that include an amount for travel between two cities to provide a bi-directional market (page 1 of the specification, Figure 7 of Gardner, Unpublished Fare Retrieval, Published Fare Retrieval, page 7, [0093-0102]; and

searching a database having published fares for gateway (major, HUB) cities corresponding to the determine interior (minor) cities appearing in the fares (Gardner Figure 7b – 8a, page 7 [0095-0097]); and

producing the constructed fare (Fig. 8a), page 7 [0097], by:

applying an fare corresponding to one of the interior (minor) cities to a published fare involving one of the gateway (major, HUB) cities that corresponds to the

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determined interior (minor) cities appearing in the fares to produce a constructed fare (page 7 [0095-0098]); and

storing the constructed fare in memory or the persistent storage device of the computer system for use in a travel related activity (pages 7 and 8, [0093-0104], Fig. 8a).

Gardner discloses published fares and unpublished fares. A published fare is defined in ATPCO as an amount published for use in pricing air transportation from one city to another city. This would include gateway cities and minor cities. An unpublished fare is the combination of an add-on amount and a published fare amount resulting in an amount used in pricing air transportation from one city to another city. Unpublished fares are also referred to as "through fares," "constructed fares" and "behind point fares." page 58 of ATPCO. Gardner does not explicitly disclose arbitrary fares.

However, ATPCO discloses arbitrary fares as an amount published for use only in combination with other fares for the construction of through fares, also referred to as "proportional fare," "basing fare" or "add-on fare (page 58)." ATPCO also discloses add-ons or arbitrary fares as being bidirectional and that the first city displayed is the gateway (page 60). ATPCO further discloses addon plus published fare equals unpublished or constructed fares (page 58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate arbitrary fares as taught by ATPCO with the published fares as taught by Gardner since Gardner discloses unpublished fares which is an add-on amount and thus an arbitrary for the purpose of providing better passenger service.

Gardner discloses a method for producing a constructed fare and a published fare, said method executed in a computer system having memory and a persistent storage, the method comprising:

per-processing by:

accessing a first hash table by airline interior city pair to return a list of gateway cities with specific interior city, and

accessing a second hash table by airline gateway pair to return a second list of gateway cities that an airline publishes fares from to determine a gateway to another gateway city (Fig. 7b):

producing the fares, by:

applying the add-on from the first hash table to the published fares from the second hash table to return a list of potential constructed fares (page 7 [0093] thru page 8 [0104]); and

determining whether a constructed fare in a list of constructed fares is a valid constructed fare and for valid ones of the potential constructed fares producing the constructed fares (page 7 [0093] thru page 8 [0104]; and

tangibly storing the constructed fare use in a travel related activity (Fig. 8a).

Gardner discloses published fares and unpublished fares. A published fare is defined in APTCO as an amount published for use in pricing air transportation from one city to another city. This would include gateway cities and minor cities. An unpublished fare is the combination of an add-on amount and a published fare amount resulting in

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an amount used in pricing air transportation from one city to another city. Unpublished fares are also referred to as “through fares,” “constructed fares” and “behind point fares.” page 58 of ATPCO. Gardner does not explicitly disclose arbitrary fares.

APTCO discloses arbitrary fares as an amount published for use only in combination with other fares for the construction of through fares, also referred to as “proportional fare,” “basing fare” or “add-on fare (page 58).”

Thus, Gardner discloses constructed fares (unpublished fare) which is the combination of an add-on or arbitrary and a published amount.

Gardner further discloses a method and medium wherein determining the interior cities comprises:

accessing a hash table indexed by an airline, interior-city pair to return a list of gateway cities for which an airline has arbitraries (add-on fares) that specify the interior city (Fig. 7b and page 7 [0093] thru page 8 [0104]).

Gardner discloses a method and medium wherein accessing a hash table returns the list in constant time (Fig. 7b-8a).

Gardner discloses a method and medium wherein searching for gateway cities comprises:

accessing a hash table indexed by an airline, gateway pair to return a list of gateway cities that an airline publishes fares from the determined gateway to another gateway city (Figure 7b and page 7 [0093] thru page 8 [0104]).

Gardner discloses the method and medium wherein determining interior cities comprises:

accessing a first hash table indexed by an airline, interior-city pair to return a list of gateway cities for which an airline has arbitraries that specify the interior city; and wherein searching for gateway cities further comprises:

accessing a second hash table indexed by an airline, gateway pair to return a second list of gateway cities that an airline publishes fares from the determined gateway to another gateway city (Fig. 7b, pages 7 thru 8 [0093-0104]).

Gardner discloses a method and medium wherein accessing the first and second hash table returns the list in constant time (Fig. 7b and page 7 [0093] thru page 8 [0104]).

Gardner discloses a method and medium wherein applying arbitraries further comprises:

evaluating or testing records from fare construction tables to determine whether the constructed fare is a valid constructed fare (page 7 [0093] thru page 8 [0104]).



Gardner discloses a method and medium wherein the method is conditioned to allow any one or more of an airline code, interior city, a first gateway city, a second gateway city, or fare-base to vary ( pages 7 thru 8).

Gardner discloses a method and medium wherein testing entries further comprises: determining if an entry in a construction table was memorized before accessing the construction table; and  
if the entry was memorized, retrieving an answer for a store of memorized entries to apply to the constructed fare (Fig. 8a (retrieve fare component)).

Gardner discloses a method and medium wherein the constructed fare is a two component constructed fare (page 7 [0101]).

Gardner discloses a method further comprising:  
determining a second set of interior cities that appear with a second gateway city in the published fare for the airline (Fig. 7a, Fig. 8a);  
applying an arbitrary (add-on) that extends the published fare to a city from the second set of interior cities to produce a three component constructed fare (Fig. 7a, Fig. 8a, pages 7 and 8).

Gardner discloses a method and medium wherein the method is performed over all determined interior cities and all gateway cities that correspond to the determine

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interior cities appearing in the arbitraries to produce plural constructed fares (pages 7 and 8).

Gardner discloses a method and medium wherein the method is performed over all airlines (Figs. 1-3 and 7b-8a).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-46 and 52-55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

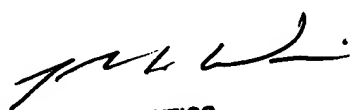
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

  
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